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SECOND AMENDMENT

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ENVIRONMENTAL IMPACT REPORT

for the

GREENLINE/URBAN GROWTH BOUNDARY

CITY OF SAN JOSE SPHERE OF INFLUENCE

SCH #97122060

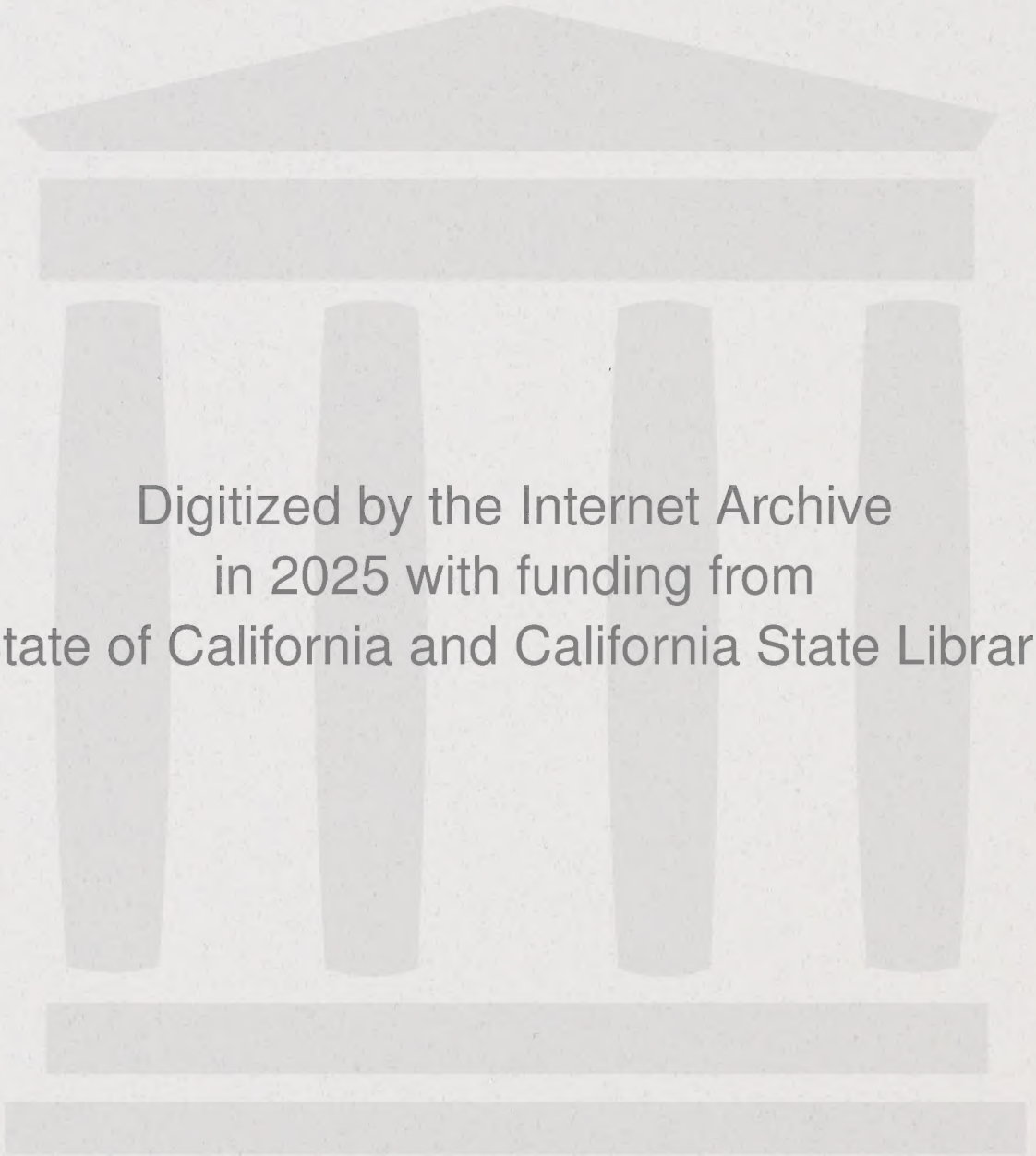
Prepared by the

City of San Jose

and

Santa Clara County

August 1998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TEXT REVISIONS

The following text revisions are reflected in responses to comments in the First Amendment to the Draft EIR for the Greenline/Urban Growth Boundary, but were inadvertently not included in the Text Revisions section of the First Amendment.

The following revisions are hereby made to the text of the *Draft Environmental Impact Report for the Greenline/Urban Growth Boundary City of San Jose Sphere of Influence*, dated May 1998. Deletions are shown with a ~~strikeout through the letters~~; additions are shown underlined.

Page 6 Section I.C. Project Description; after the first complete paragraph on the pages, add a new section:

Urban Growth Boundaries

The concept of growth boundaries is not a new one. A number of such policies or ordinances have been adopted throughout the United States. In the Bay Area, growth boundaries have been adopted by the City of Santa Rosa, the City of Sebastopol, the City of Livermore, the City of Pleasanton, the Town of Los Gatos, the Town of Windsor, the City of Healdsburg, and the adjacent City of Morgan Hill. Copies of the ordinances, resolutions, and other implementing instruments for these local growth boundaries are attached as Appendix G. in addition to these adopted boundaries, growth boundaries are under consideration in a number of other cities, including Gilroy and Milpitas in Santa Clara County.

The growth boundaries adopted by each jurisdiction are unique to the circumstances of that specific city or region.

Page 30 Section II.A.(2) Land Use Impacts; Population, Housing, and Employment, the first complete paragraph on the page should be modified as shown:

According to the *San Jose 2020 General Plan* as it was adopted in 1994, the adopted City General Plan would provide for a total of 332,200 dwelling units within San Jose's Sphere of Influence. Amendments to the General Plan since 1994, including increasing the allowed density on certain properties already designated for residential use and redesignating certain non-residential properties for residential uses, have increased the total to 335,900 dwelling units. Of that number, the 1994 adopted General Plan assumed that 50,900 additional dwelling units could be built within the existing Urban Service Area, without developing the Urban Reserves. That total would now be 52,600 dwelling units. Urban development of the South Almaden Valley Urban Reserve, which is anticipated in the General Plan, would create up to 2,000 dwelling units, for ~~a~~ the total of 52,900 dwelling units in the City assumed in the 1994 adopted General Plan. With the addition of dwelling units allowed by General Plan amendments approved since 1994, the *San Jose 2020 General Plan* now assumes that a total of

54,600 dwelling units will be built between 1995 and a point in time between 2010 and 2020.

In addition to increases in General Plan housing capacity, a number of dwelling units have been built since the General Plan was adopted. As of July 1997, there is assumed to be capacity remaining for approximately 47,400 dwelling units under existing General Plan land use designations. Because of the difficulty of tracking increased housing capacity versus construction of units for any individual point in time, the discussion in this DEIR uses the benchmark figures reflected in the General Plan update and FEIR prepared for the General Plan update.

Technical Appendices: Add

Appendix G: Examples of Growth Boundaries in Northern California

APPENDIX G

EXAMPLES OF URBAN GROWTH BOUNDARIES IN NORTHERN CALIFORNIA

ORDINANCE NO. 97-102

AN ORDINANCE OF THE TOWN COUNCIL
OF THE TOWN OF WINDSOR
ADOPTING A GROWTH
MANAGEMENT ORDINANCE

The Town Council of the Town of Windsor does hereby ordain as follows:

SECTION I. The title of Title XVI of the Town of Windsor Municipal Code is amended to read as follows: "Development Agreements; Subdivisions; Fees for Development Services; Zoning; Growth Management" and Chapter 4 is added to Title XVI to read as follows:

"CHAPTER 4. GROWTH MANAGEMENT

16-4-100 AUTHORITY. This chapter is adopted pursuant to the general police powers of the Town of Windsor to protect the public health, safety and welfare of its residents and pursuant to the adopted Town of Windsor General Plan - 2015 goals, objectives and policies, and as more particularly set out in Community Development Pattern Implementation Program B.10.

16-4-105 TITLE: This chapter shall be known as the "Growth Management Ordinance" of the Town of Windsor.

16-4-110 PURPOSE. The purpose of the growth management ordinance is to accommodate growth anticipated under the General Plan, and to manage new development so that it occurs concurrently with necessary public services, facilities and infrastructure as follows:

a. By monitoring and regulating the Town's residential development, this ordinance furthers the General Plan's Vision Statement to accomplish the following: retain the Town's small town character and rural atmosphere; respect natural resources; encourage compact urban-level development within the Town Limits; support rural and agricultural land uses beyond the Sphere of Influence; maintain flexibility to accommodate change; and plan the location and timing of growth, taking into consideration infrastructure capacity, public service availability, and fiscal impacts.

7. Develop standards for the provision of community services, utilities, and facilities; provide adequate space to accommodate these services as development occurs; and deliver these services in a cost-efficient manner to reduce the costs of service delivery by annually preparing a Development Objectives Report upon consideration of the past year's development activity and available infrastructure.

8. Strive to meet the Town's fair share of the regional housing need, as determined by ABAG, by exempting very low and low income units for which Windsor has not met its regional share.

9. Preserve open space land for the continuation of commercial agricultural and productive uses, the protection and use of natural resources, the enjoyment of scenic beauty and recreation, and protection from natural hazards by annually monitoring the Town's residential development.

16-4-115 FINDINGS. The Town Council has considered the effect of this growth management ordinance and finds that the provisions of this chapter are necessary to promote the public health, safety and welfare. This ordinance is based on accommodating general plan buildout to assure that housing opportunities in the region are not reduced. However, to the extent that such opportunities may be reduced, those reductions are justified to protect the character and quality of life for existing and future residents by managing and balancing new residential units so as not to exceed available resources including the developable land supply, public infrastructure capacity, public services, and fiscal resources. Pursuant to Government Code Section 65863.6, the Town makes the following specific findings:

a. Land Supply Constraints. The Town of Windsor General Plan and its related Environmental Impact Report identify environmental constraints in the Planning Area of the Town of Windsor. A Sphere of Influence has been established within the Planning Area to provide an adequate land supply for potential development to the year 2015. The location of the Town's Sphere-of-Influence boundary recognizes that certain lands to its west, north, and east are unsuitable for urbanization due to Federal, State, County and local policies established for the protection of agricultural lands, oak woodlands, hillsides, vernal pool/wetland habitat, flood zones, steep slopes, seismic hazards, and scenic views. Development to the south of the Sphere of Influence is also constrained by proximity to the Sonoma County Airport and by the Sonoma County General Plan Community Separator policies. The Windsor General Plan provides for approximately 5000 acres within the Sphere of Influence to accommodate urbanization through the life of the General Plan, and relies on a compact land use pattern to make efficient use of lands available for urbanization.

e. **Circulation.** The Town of Windsor General Plan and its related Environmental Impact Report identify intersections which would be degraded to less than acceptable Levels of Service with unmitigated buildout of the Sphere of Influence. In order to ensure adequate capacity of the Town's circulation system concurrent with new growth and in conformance with the Town's Level of Service (LOS) "D" standard, the Town finds it necessary to monitor and manage growth with appropriate mitigation to ensure meeting the Town's LOS standard.

f. **Jobs/Housing Balance:** The Town of Windsor General Plan and its related Environmental Impact Report document outcommuting trends in Windsor and traffic congestion on Highway 101. Nearly 88% of employed Windsor residents commute outside of Windsor (U.S. Census Bureau. 1990). In order to reduce out-commuting and congestion on Highway 101 and promote an economically sustainable fiscal mix of residential/non-residential land uses, the Town finds it necessary to manage the mix of residential to non-residential growth to both accommodate residential growth and to emphasize economic growth.

g. **Affordable Housing Needs:** A Housing Needs Assessment prepared in conjunction with the Town of Windsor General Plan found that Windsor has exceeded its Housing Needs Determination for moderate and above moderate units by nearly 3,000 units for the housing element planning period ending June 1997. However, there still remains a need for 378 Very Low Income units and 251 Low Income units for that planning period. The Growth Management Ordinance will not constrain the provision of these units as they are exempted from obtaining Growth Management Allocations per the provisions of this chapter.

16-4-120 APPLICABILITY. The Growth Management Allocation provisions of this chapter shall apply to all new residential development, except as otherwise provided for in this chapter.

16-4-125 EXEMPTIONS. The following types of residential development are exempted from certain provisions of this chapter as follows:

a. **Special Needs Housing.** The following types of projects shall not be required to obtain Growth Management Allocations; however, building permits issued for these projects shall be monitored and reported for purposes of the Annual Housing Monitoring Report, and Infrastructure Concurrency Report, and shall be considered in monitoring the buildout population and calculating the Town's developable supply of land:

1. Second Dwelling Units

2. Very Low Income Units

Listing of Approved Tentative Maps

	Project Name	Plan #	Number of Units
1.	Ochoa/Gaitan	88-225	4.00
2.	Yerba Buena	88-797	20.00
3.	Valente Paul	88-147	16.00
4.	Coralee Meadows	89-098	10.00
5.	Vineyard Place II	89-508	8.00
6.	Los Robles Meadows	89-518	10.00
7.	Ochoa Elias	89-642	1.0
8.	Manning Subdivision	89-823	3.00
9.	Powers James	89-644	2.00
10.	Tannehill Minor	89-645	2.00
11.	Sansoni-6366 ORH	95-25	1.00
12.	Peachtree Manor	89-769	1.00
13.	Hembree Ln - 7800	95-05	3.00
14.	Dengler Minor Sub	91-306	1.00
15.	Lands of Coate	93-39A	4.00
16.	Brooks Creek Senior III	94-02	76.00
17.	Foothill Meadows II	88-805	11.00
18.	Vinecrest Meadows II	95-21	8.00
19.	The Greens	96-05	283.00
20.	Twombly Glen	89-643	1.00

b. Final Discretionary Approval.

1. Generally. For purposes of this chapter, Final Discretionary Approval shall mean the last action by the Town which calls for the exercise of judgment in deciding whether to approve and/or how to carry out a project. Examples include. but are not limited to Conditional Use Permits, Tentative Maps, Annexations, Rezoning, and Design Review Permits. Building Permits, Lot Line Adjustments, and Certificates of Compliance shall not be considered as requiring Final Discretionary Approval for purposes of this chapter.

2. Projects with Multiple Discretionary Approvals. For purposes of determining the date of Final Discretionary Approval for a project with multiple discretionary approvals, the action entitling an applicant to a use with a definite number of dwelling units shall be considered the date of Final Discretionary Approval. For subdivision developments, this action would be tentative map approval. For non-subdivision development, this action will usually be Design Review approval.

3. Project Appeals. If a project approval is appealed and the approval is upheld, the original approval date is the Final Discretionary Approval. If a project is denied, but approved on appeal, the approval date is the Final Discretionary Approval.

c. **Growth Management Allocation.** An entitlement for Residential Dwelling Units in a specified year in accordance with this chapter, which entitlement is issued by the Town of Windsor to allow Recordation of a Parcel or Final Map for subdivision projects, or Residential Building Permit Issuance for non-subdivision projects.

d. **Growth Management Reserve Agreement.** A Council-approved agreement whereby projects exceeding a per project-per year limit of 75 units may request and be issued more than 75 building permits and related allocations per year.

e. **Infrastructure Concurrency Finding.** A determination, adopted by the Town Council, based on the facts and evidence provided annually by Town staff, that specified infrastructure facilities and public services either have adequate capacity, or needed facilities have been approved and financing mechanisms are in place to secure adequate capacity for a specified increment of new development.

f. **Legal Lot of Record.** A lot which is contained in a recorded subdivision map or which has been issued a Certificate of Compliance for which any identified conditions have been satisfied.

b. Reservation of Allocations. At the time of project application, the applicant shall specify the number of allocations sought and the future year in which Parcel or Final Map Recordation is requested for subdivision projects, or in which Residential Building Permit Issuance is requested for non-subdivision projects. Upon Final Discretionary Approval of the project, the Town shall reserve Growth Management Allocations for the year(s) requested, in accordance with the provisions of this chapter. The Town may accept reservations for a project's Growth Management Allocations for up to three years.

c. Entitlement to Allocations. For subdivision projects, recordation of a Parcel or Final Map for the project by the end of the year requested shall entitle that project to the number of Growth Management Allocations reserved for the year requested or for subsequent years thereafter without expiration. For non-subdivision projects, issuance of a Residential Building Permit by the end of the year requested shall entitle that project to the number of Growth Management Allocations reserved for the year requested. The Town Planning Director is authorized to grant up to a 90-day extension in circumstances when submittal materials have been received for Parcel or Final Map recordation or Building Permit issuance during the reserved year, substantial and good faith processing of materials has occurred, and issuance or recordation could occur within the period of extension.

An allocation is not a property right. The term "entitlement to allocations" is associated with the administration of this ordinance only. In the event that this ordinance is amended or nullified, the entitlement to allocations term shall not be determined to convey any express entitlement or property right beyond the purposes of administering this ordinance.

d. Three Year Averaging. The number of annual Growth Management Allocations may be averaged over any three year period, not to exceed the sum of the individual years in that three year period. Such averaging may be in the form of rolling-over unused allocations to future years, or borrowing from future years when demand for Growth Management Allocations exceeds supply for the requested year.

e. Expiration. Reserved Growth Management Allocations shall automatically expire with expiration of a discretionary entitlement. Affected projects shall be required to re-apply for Growth Management Allocations in the same manner as all other new projects as Growth Management Allotments are available.

16-4-145 ANNUAL REVIEW

a. Annual Infrastructure Concurrency Report and Finding. At the end of each calendar year, the Planning Department shall prepare a report specifying existing infrastructure, public facility and services capacity, any approved expansions of capacity and related financing mechanisms, including but not limited to the following:

1. Circulation System Levels of Service (LOS)
2. Parks
3. Police and Fire Service
4. Schools
5. Storm Drainage
6. Wastewater
7. Water

The report shall identify an increment of development which can be adequately served by public infrastructure and services based on existing capacity and approved expansions as well as on environmental review, project approvals and identification of funding mechanisms. Based on the facts and evidence in and supporting the report, the Town Council shall annually determine an increment of new development for which specified infrastructure facilities and public services either have adequate capacity, or, needed facilities have been approved and financing mechanisms are in place to secure adequate capacity.

This report shall also include a specific analysis regarding progress on the new Windsor High School as well as the impacts of affordable projects on school facilities infrastructure. Also, the report shall include specific fiscal information regarding the expected financial condition of the Town and how it relates to being able to provide services to residential development.

b. Annual Housing Monitoring Report. At the end of each year, the Planning Department shall prepare a summary including but not limited to the following: the past year's building permit issuance activity (including building permits for exempt units), the number of Growth Management Allocations reserved, the acreage of land associated with approved development, the number of expired Growth Management Allocations, and the remaining developable acreage in the Town Limits and Sphere of Influence.

SECTION III. EFFECTIVE DATE

This ordinance shall become effective (30) days after the date of adoption.

PASSED, APPROVED AND ADOPTED this 15th day of October, 1997, by vote as follows:

AYES: **MOREHOUSE/M, FUDGE/2, SCOTT, SMITH and MAYOR SALMON**
NOES: **NONE**
ABSTAIN: **NONE**
ABSENT: **NONE**

Sam Salmon

MAYOR

ATTEST:

Lissita Collins

TOWN CLERK

Revised 10/09/97 (md)

RESOLUTION 1997-142

RESOLUTION OF THE TOWN COUNCIL
OF THE TOWN OF LOS GATOS
ADOPTING THE UPDATED LOS GATOS GENERAL PLAN LAND USE MAP
AND THE URBAN GROWTH BOUNDARY

WHEREAS, under Government Code Section 65353, the Town Council conducted a public hearing on December 15, 1997, to consider an update of the Los Gatos General Plan Land Use Map and adoption of an Urban Growth Boundary; and

WHEREAS, during this hearing, the Town Council considered the General Plan Amendment DEV-97-2 relating to the update of the Land Use Map and adoption of the Urban Growth Boundary; and

WHEREAS, under Government Code Section 65353, the Planning Commission conducted a public hearing on November 12, 1997 to consider an update of the General Plan Land Use Map and adoption of an Urban Growth Boundary; and

WHEREAS, the Planning Commission recommended Town Council adoption of the updated Land Use Map and Urban Growth Boundary; and

WHEREAS, the Planning Commission and Town Council determined that the 1985 General Plan Land Use Map is out of date and difficult to interpret; and

WHEREAS, the Planning Department has computer software that enables the Town to generate colored, parcel specific, up-to-date Land Use Maps; and

WHEREAS, Town staff has worked with the County of Santa Clara, City of Cupertino, City of Monte Sereno, and City of Saratoga to develop preservation strategies for the West Valley Hillsides; and

WHEREAS, the Town has an existing Urban Service Area boundary and a coterminous Long Term Urban Growth Boundary is required by the "West Valley Hillsides Preservation Strategies"; and

WHEREAS, the Urban Growth Boundary would help prevent encroachment of urban development into the hillside areas; and

WHEREAS, adopting an Urban Growth Boundary is consistent with Land Use Element Goals 2.3.1, 2.3.2, 2.3.4, and 2.3.10.

RESOLVED, that the Town Council finds that the amendment is not a project subject to CEQA pursuant to Section 15061(b)(3) of the California Environmental Quality Act

Guidelines; and

FURTHER RESOLVED, The Town Council amends the General Plan Land Use Element to read:

. . .

2.5.1 Residential Uses:

The following definitions are set forth for residential land uses as designated on the Land Use Plan (Figure 2.2). Minimum densities are intended to be a floor, except when there are extenuating circumstances due to conflicts with other elements of the General Plan.

. . .

2.5.2 Nonresidential Uses:

The following definitions are set forth for non-residential land uses as designated on the Land Use Plan Figure 2.2.

a. CBD - Central Business District

. . .

FURTHER RESOLVED: The Town Council amends the General Plan Land Use Element to read:

. . .

2.4.21 The current Urban Service Area Boundary is coterminous with the Long Term Urban Growth Boundary. The intent of the urban growth boundary is to limit future development to lands within the existing urban service area. The Urban Service Area will not expand outside the urban growth boundary.

2.4.22 Modification to the long term urban growth boundary is allowed only in conjunction with a comprehensive review of the Town's General Plan. Revisions to the urban growth boundary will be referred to the County of Santa Clara for review and comment.

. . .

FURTHER RESOLVED, the Town Council finds that the General Plan Land Use Map update (attached hereto as Exhibit A) and Urban Growth Boundary are internally consistent with the General Plan and consistent with the Hillside Specific Plan, and

recommends adoption by the Town Council.

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Los Gatos, California, held on the 15th day of December, 1997 by the following vote.

COUNCIL MEMBERS:

AYES: Randy Attaway, Joanne Benjamin, Steven Blanton, Jan Hutchins, Mayor Linda Lubeck

NAYS: None

ABSENT: None

ABSTAIN: None

SIGNED: /s/ Linda Lubeck
MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

ATTEST:

/s/ Marian V. Cosgrove
CLERK OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

Post-it® Fax Note 7671 | Date 5-1-98 | # of pages ▶ 4
To Andrew Crabtree | From Lisa Kranz
Co./Dept. | Co. Santa Rosa Planning
Phone # | Phone # 707-543-3259

ORDINANCE NO. 3296

AN ORDINANCE OF THE CITY OF SANTA ROSA AMENDING SECTION 17-28.010 OF THE SANTA ROSA CITY CODE TO RESTRICT CHANGES TO THE URBAN BOUNDARY TO TWENTY-YEAR INTERVALS

THE PEOPLE OF THE CITY OF SANTA ROSA DO ENACT AS FOLLOWS:

Section 1. Purpose.

The purposes of this ordinance are to provide for the health, safety, and welfare of the residents of the City of Santa Rosa, to preserve agricultural uses which are vital to the region's economy, to discourage urban sprawl, and to implement the goals, objectives and policies of the Santa Rosa General Plan and its provisions shall be a part of the Santa Rosa General Plan's land use graphic or diagram .

Section 2. Findings.

The People of the City of Santa Rosa find that this ordinance:

(1) Protects agricultural uses outside the urban boundary;

(2) Encourages residential, commercial, and industrial growth in areas already served by urban services;

(3) Improves the City's ability to provide transportation, utilities, and other City services;

(4) Protects open space surrounding the City;

(5) Discourages the provision of City services to sprawling developments in outlying agricultural and open space lands which greatly increases the cost of such services;

(6) Does not impose any numerical or percentage limit on the development of housing units in the City of Santa Rosa; and

(7) Does not limit the supply of undeveloped land within the present urban boundary of the City of Santa Rosa which is adequate to allow the City to provide its fair share of the affordable and low cost housing needs of the region.

Section 3. Section 17-28.010 of the Santa Rosa City Code is amended to read as follows:

"17-28.010. Changes in Urban Boundary.

(A) Except as provided in subsections (B), (C) and (D) of this section, the urban boundary of the City as depicted in the General Plan's Parcel Specific Urban Boundary Graphic shall be

changed only each 20 years, and then only as part of a General Plan update process commencing with the 1996 General Plan update. In addition, the prohibition on development until the year 2010 of the 453-acre site in the southeast quadrant of Santa Rosa (shown in the General Plan Appendix) shall not be changed except to the extent allowed by subsections (B), (C), and (D).

(B) At any time the Council may act by General Plan amendment to change the urban boundary as follows:

(1) To adjust the boundary to include or exclude ten acres or less for the purpose of aligning the boundary with property lines as they existed on the date the ordinance codified in this chapter was approved by the voters;

(2) To adjust the boundary for the purpose of protecting open space or a natural resource;

(3) To add lands to be permanently maintained as public parks or open space, to protect natural resources, or for sewage treatment or disposal uses;

(4) To add lands for the purpose of providing sewer or water to eliminate health hazards existing in improvements constructed prior to the date the ordinance codified in this chapter was approved by the voters;

provided that no land designated as community separator or with agricultural land use categories LEA, LIA or DA by the Sonoma County General Plan shall be included within the urban boundary under subsections (B)(1), (2), (3) and (4).

(C) As part of a 5-year General Plan Update process, by the affirmative vote of at least 2/3 of the total membership of the Council, the Council may act by General Plan Amendment to change the urban boundary to replace land inside the urban boundary established in the 1996 General Plan Update which has been designated for a particular land use and is subsequently determined to be unsuitable for that land use due to unforeseeable environmental constraints, and only upon the Council making all of the following findings:

(1) That the evidence of unsuitability is provided by a public agency other than the City of Santa Rosa or by court decision.

(2) That the Council has determined that there is insufficient remaining land designated within the then current urban boundary to meet the demand, within the following five-year period, for the particular land use designation and that it is infeasible to redesignate land within the urban boundary to meet the demand for that land use.

(3) That the projected population and commercial/industrial land development estimates in the 1996 General Plan Update have been met or exceeded by the population and commercial/industrial land development existing at the time the Council considers a General Plan Amendment.

(4) That the adjustment to the urban boundary does not include land designated as community separator in the Sonoma County General Plan.

(5) That the adjustment to the urban boundary does not include land designated with the agricultural land use categories LEA, LIA, or DA by the Sonoma County General Plan.

(D) By affirmative vote of at least 2/3 of the total membership of the Council, the Council may act by General Plan Amendment to change the urban boundary to provide an overriding public benefit to Santa Rosa that cannot feasibly be accommodated within the existing urban boundary, in order to provide a unique educational, cultural or economic opportunity for the City. This provision shall not apply to residential or retail commercial projects. During each 20-year period, adjustments allowed by this subsection may not exceed a total of 1% (approximately 280 acres) of the area within the 1996 General Plan Update urban boundary. The change in the urban boundary allowed by this subsection shall be made only upon all of the following findings:

(1) That the proposed land use cannot feasibly be accommodated within the existing urban boundary.

(2) That land designated as community separator in the Sonoma County General Plan is not included within the proposed urban boundary amendment.

(3) That land designated as agricultural land use category LEA, LIA, or DA in the County General Plan is not included within the proposed urban boundary amendment.

Section 4. No Taking. This ordinance is not intended, and shall not be applied or construed, to authorize the City to exercise its powers in a manner which will take private property for public use without the payment of just compensation therefor, but shall be interpreted, applied and implemented so as to accomplish its purposes to the maximum permissible extent, by all constitutional means. If application of this ordinance to a specific property of record as of the date of its adoption would create a taking, then pursuant to this ordinance, the City Council may take any action necessary to avoid a taking, to the greatest extent possible consistent with the purposes of this ordinance.

Section 5. Severability. If any section, subsection, sentence, clause, phrase or word of this ordinance is for any reason held to be invalid and/or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 6. Amendment and Repeal. No part of this ordinance may be amended or repealed except by a vote of the electors of the City of Santa Rosa at a regularly scheduled general election or at a special election called for that purpose.

Section 7. Effective Date. This ordinance shall take effect ten days after the vote is declared by the Council if a majority of the voters voting on the ordinance vote in favor of its adoption.

This ordinance was placed on the ballot as "Measure G - Santa Rosa Urban Growth Boundaries" at the City's General Municipal Election held November 5, 1996. The results of that election were declared by the City Council on December 17, 1996 and are set forth in City Council Resolution No. 22972. This ordinance was adopted with 28,080 "yes" votes and 20, 138 "no" votes being cast.

In accordance with Section 7, this ordinance became effective on December 27, 1996 and was assigned the number 3296 by the City Clerk for record-keeping and administrative purposes.

December 27, 1996 Gayle Petersen
Assistant City Clerk

PLEASANTON

Specific Plan

All properties lying within the boundaries of a **Specific Plan Area** are subject to the land uses, densities, public improvements, and other requirements specified in the Specific Plan prepared for that area. The land uses, densities, and street alignments shown on the General Plan Map within these areas are conceptual only and may change subject to the outcome of the Specific Plan (Figure II-6). Medium and High Density Residential areas designated on the General Plan Map with a striping pattern are intended for the development of both densities, to be determined by the Specific Plan.

URBAN GROWTH BOUNDARY

The **General Plan Map** designates an Urban Growth Boundary (UGB) line around the edge of land planned for urban development at **General Plan buildout.** The line distinguishes areas generally suitable for urban development and the provision of urban public facilities and services from areas generally suitable for the long-term protection of natural resources, large lot agriculture and grazing, parks and recreation, public health and safety, subregionally significant wildlands, buffers between communities, and scenic ridgeline views. The UGB is intended to be **permanent** and to define the line beyond which urban development will not occur.

Lower densities should be encouraged along the inside edge of the UGB to provide a transition/buffer for preventing potential conflicts with uses immediately beyond the boundary such as agriculture and wildlands.

Since the UGB is considered to be permanent, future **adjustments** are discouraged. However, minor adjustments may be granted, which meet all of the following criteria: (1) are otherwise consistent with the goals and policies of the General Plan; (2) would not have a significant adverse impact on agriculture, wildland areas, or scenic ridgeline views; (3) are contiguous with existing urban development or with property for which all discretionary approvals for urban development have been granted; (4) would not induce further adjustments to the boundary; and (5) demonstrate that the full range of urban public facilities and services will be adequately provided in an efficient and timely manner.

UGB locations adjacent to areas designated for **Sand and Gravel Harvesting** in East Pleasanton should be re-evaluated at such time as comprehensive land use designation changes are considered for the reclaimed quarry lands. The existing **Little Valley Road** neighborhood in South Pleasanton is designated as Rural Density Residential, and located beyond the UGB. However, since this neighborhood is an existing partially developed area, five-acre minimum parcel sizes may be permitted without the provision of standard urban water and sewer service, subject to public health and safety considerations.

AREAS OF SPECIAL INTEREST

Pleasanton Ridgelands

The Pleasanton Ridgelands area includes approximately **13,000 acres** generally bounded by I-580, Palomares Road, Niles Canyon Road, and the 670-foot elevation near Foothill Road; excluding the existing communities of Sunol, Kilkare Canyon, and Castlewood. Part of the Ridgelands area is within the City of Hayward, part within Pleasanton, and the remainder in unincorporated area of Alameda County.

The Ridgelands area consists of **ridges and valleys** which separate the Tri-Valley area from Castro Valley and the communities of the East Bay Plain. It provides the primary

Program 10.1: Preserve open space by way of fee purchase, conservation and scenic easements, transfer of development rights, Williamson Act contracts, open space zoning categories, etc.

Policy 11: Maintain a permanent **Urban Growth Boundary** (UGB) beyond which urban development shall not be permitted.

Program 11.1: Permit only **non-urban uses** beyond the UGB.

Program 11.2: Extend **urban services** only to areas within the UGB, with the following possible exceptions for selected urban services: (1) areas beyond the UGB where the public health and safety present overriding considerations; (2) as to water service, areas which are within the boundaries of the former Pleasanton County Township Water District and where the service extension is consistent with the 1967 Joint Powers Agreement between the City and the District; (3) on reclaimed land which is currently designated as Sand and Gravel Harvesting in East Pleasanton when the potential future use is non-urban.

Program 11.3: Because the UGB is considered to be **permanent**, future adjustments to the UGB line location are discouraged; provided, however, minor adjustments may be granted that meet all of the following criteria: (1) are otherwise consistent with the goals and policies of the General Plan; (2) would not have a significant adverse impact on agriculture, wildland areas, or scenic ridgeline views; (3) are contiguous with existing urban development or with property for which all discretionary approvals for urban development have been granted; (4) would not induce further adjustments to the boundary; and (5) demonstrate that the full range of urban public facilities and services will be adequately provided in an efficient and timely manner.

Program 11.4: Encourage **lower intensity uses** immediately inside the UGB, as necessary, to prevent potential land use conflicts with outlying non-urban uses.

Program 11.5: The foregoing Policy 11 and Programs 11.1 through 11.4, this Program 11.5, and the Urban Growth Boundary designated on the City of Pleasanton General Plan Map adopted August 6, 1996, and as readopted by the Pleasanton Urban Growth Boundary Initiative, shall be amended only by a **vote of the people.**

Policy 12: **Preserve scenic hillside and ridges views** of the Pleasanton, Main, and Southeast Hills ridges.

Program 12.1: Implement the land use and development standards of the Pleasanton Ridgelands Initiative of 1993 **(Measure F).**

Program 12.2: Study the feasibility of preserving large open space acreage in the **Southeast Hills** by a combination of private open space and a public park system.

SEBASTOPOL URBAN GROWTH BOUNDARY INITIATIVE

To the Honorable Elections Official of the City of Sebastopol: We, the undersigned, registered and qualified voters of the City of Sebastopol, hereby propose an initiative measure to amend the City of Sebastopol General Plan. We petition you to submit this measure to the City Council for the City of Sebastopol for adoption without change, or for submission of the measure to the voters of the City of Sebastopol at a general election. The measure provides as follows:

SEBASTOPOL URBAN GROWTH BOUNDARY INITIATIVE

The people of the City of Sebastopol hereby ordain as follows:

Section 1. Purpose and Findings.

A. **Purpose.** The purpose of this initiative is to reaffirm and readopt General Plan policies establishing Sebastopol's Urban Growth Boundary ("UGB"). The City of Sebastopol General Plan, adopted in 1994, established a 20-year UGB for Sebastopol. The General Plan restricts urban development outside the boundary, stipulating that city water, sewer, and other services shall not be extended to new development outside of the boundary. This initiative would, with certain exceptions, require any geographic expansion of the UGB before December 31, 2016 to be approved by a vote of the people.

B. **Sebastopol's Agricultural Heritage.** Located between the urbanized US Highway 101 corridor to the east, and the rural country of large dairy farms and apple orchards to the west, Sebastopol functions as a market center: a town which serves the surrounding region, from Guerneville and the River area, to Graton, Bodega, and Bloomfield. Sebastopol's character and economy depend on its agricultural heritage and semi-rural surroundings.

C. **Sebastopol's Natural Environment.** Sebastopol's character is further defined by Atascadero Creek and Ragle Ranch Regional park on the west and by the Laguna de Santa Rosa on the east. These scenic wetlands, offering large expanses of open space, along with a gently sloping topography and many heritage trees, frame Sebastopol's manmade environment. The street configuration, the character of the residential neighborhoods, and the parks and community facilities all serve to strengthen the city's identity.

D. **Sebastopol's Housing Supply.** Adequate housing is essential to a thriving community. The Sebastopol General Plan promotes efficient housing development in the City through measures such as encouraging infill development, facilitating construction of second dwelling units, requiring the creation of affordable housing units, and seeking to diversify housing opportunities in the City. As a result, residential and other land use designations in the General Plan are sufficient to accommodate the expected increase in the City's population.

E. **Sebastopol's Growing Economy.** Carefully planned non-residential development in Sebastopol can help match jobs with housing opportunities in the area, by taking into account both housing costs and prevailing wages in the area. A true balance of jobs and housing would reduce traffic congestion, improve air quality, and lessen pressures for urban sprawl.

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Fax # 408-277-3250 | Fax #

F. Sebastopol's Urban Growth Boundary. Sebastopol's UGB reflects a commitment to focus future growth within the City to prevent urban sprawl. The UGB is based on a realistic assessment of Sebastopol's ability to extend City services such as sewer and water and is designed to protect environmentally sensitive areas such as the Laguna de Santa Rosa and Atascadero Creek. The UGB complements General Plan policies promoting additional housing opportunities, emphasizing infill development, and supporting a thriving downtown center. The UGB will:

1. Encourage efficient growth patterns and protect the City of Sebastopol's quality of life by concentrating future development largely within existing developed areas;

2. Promote uses that foster public health and safety and productive investment for farming enterprises on lands outside the boundary;

3. Foster and protect the rural character of Sebastopol while encouraging appropriate economic development in accordance with the City's unique local conditions;

4. Concentrate growth within the boundary in order to limit the extent of required City services and restrain increases in their costs;

5. Allow the City to continue to meet the housing needs for all economic segments of the population, especially lower and moderate income households, by directing the development of housing into areas where services and infrastructure can be provided more cost effectively; and

6. Promote stability in long-term planning for the City by establishing a cornerstone policy within the General Plan designating the geographic limits of long-term urban development and allowing sufficient flexibility within those limits to respond to the City's changing needs over time.

G. Urban Growth Boundary Initiative. This initiative ensures that lands outside Sebastopol's UGB are not prematurely or unnecessarily converted to urban uses. Accordingly, the initiative ensures that until December 31, 2016, the UGB designated on the Land Use Designations Map of the City of Sebastopol General Plan adopted May 31, 1994, as amended through April 9, 1996, shall be changed only by a vote of the people, except in certain circumstances and according to specific procedures set forth in this initiative.

Section 2. General Plan Amendment.

A. Reaffirmation and Readoption of Urban Growth Boundary.

The Sebastopol Urban Growth Boundary Initiative hereby reaffirms and readopts, until December 31, 2016, the Urban Growth Boundary designated on the Land Use Designations Map of the City of Sebastopol General Plan adopted May 31, 1994, as amended through April 9, 1996, a reduced copy of which is attached to the initiative as Exhibit A (for illustrative purposes, the Urban Growth Boundary on the Land Use Designations Map has been enhanced).

B. Amendment of City Services Policy

Land Use Policy P.8, set forth in the City of Sebastopol General Plan Land Use Element (Chapter I, Land Use) adopted May 31, 1994, as amended through April 9, 1996, is hereby reaffirmed, readopted, and amended as set forth below (in this section 2.B of this initiative, text to be inserted into the General Plan is indicated in ***bold italic*** type while text to be stricken is presented in ~~strikeout~~; text in standard type currently appears in the General Plan):

P.8 Extension of City Services Outside ~~*Urban Growth Boundary Sphere of Influence*~~: Prohibit extensions of wastewater, water, and other City services to ~~new~~ development ~~in unincorporated areas~~ outside the *Urban Growth Boundary (UGB)* ~~Sphere of Influence~~, *except as allowed under extraordinary circumstances pursuant to other applicable General Plan policies. Extraordinary circumstances justifying extension of City services outside of the UGB shall be deemed to exist only if the City Council makes all of the following findings:*

a. That the land use to which the City service would be extended is consistent with all applicable policies of the City's General Plan; and

b. That the land use to which the City service would be extended is compatible with open space uses as defined in Government Code section 65560 as of April 9, 1996, does not interfere with accepted agricultural practices, and does not adversely affect the stability of land use patterns in the area; and

c. That the property to which the City service would be extended is immediately adjacent to land already served by the service(s) to be extended; and

d. That specific circumstances, unique to the property to which the City service would be extended, would otherwise deprive the property of privileges enjoyed by other comparable property outside the UGB and in the vicinity of the property to be served; and

e. That substantial evidence demonstrates that the proposed City service extension will not cause the Levels of Service specified in Program 1.4 of the Land Use Element (Chapter I, Land Use) and Policy P.16 of the Circulation Element (Chapter II, Transportation) of the City of Sebastopol General Plan adopted May 31, 1994, as amended through April 9, 1996 to be exceeded with respect to water, wastewater, parks, fire services, police services, storm drainage, schools, and traffic.

C. Amendment of Urban Growth Boundary Policy.

Land Use Policy P.9, set forth in the City of Sebastopol General Plan Land Use Element (Chapter I, Land Use) adopted May 31, 1994, as amended through April 9, 1996, is hereby reaffirmed, readopted, and amended as set forth below (in this section 2.C of this initiative, text to be inserted into the General Plan is indicated in ***bold italic*** type while text to be stricken is presented in ~~strikeout~~; text in standard type currently appears in the General Plan):

P.9 Urban Growth Boundary: An Urban Growth Boundary (UGB) is established. The Urban Growth Boundary is a line beyond which development will not be allowed,

except for public parks and public schools. ~~The~~ *Except as set forth in policy P.9A, below, the* UGB shall be in effect *until December 31, 2016.* ~~during the 20-year time frame of this General Plan.~~

D. **Adoption of Urban Growth Boundary Amendment Policy.**

The following text is added to the Land Use Element of the City of Sebastopol General Plan (Chapter I, Land Use) adopted May 31, 1994, as amended through April 9, 1996, immediately preceding Land Use policy P.10:

P.9A UGB Administration: Until December 31, 2016, the foregoing policies P.8 and P.9, and the Urban Growth Boundary designated on the Land Use Designations Map of the City of Sebastopol General Plan adopted May 31, 1994, as amended through April 9, 1996 and as readopted by the Sebastopol Urban Growth Boundary Initiative, shall be amended only by a vote of the people or pursuant to one of the procedures set forth in paragraphs (a) through (d), below.

a. The City Council may, if it deems it to be in the public interest, amend the UGB designated on the Land Use Designations Map provided that the amended boundary is within or coextensive with the limits of the UGB as designated on the Land Use Designations Map as of April 9, 1996.

b. To comply with state law regarding the provision of housing for all economic segments of the community, the City Council may amend the UGB in order to accommodate lands to be designated for residential uses. No more than 3 acres of land may be brought within the UGB for this purpose in any calendar year. Such amendment may be adopted only if the City Council makes all of the following findings:

(1) That the land to be included within the UGB is not designated as Land Intensive Agriculture, Land Extensive Agriculture, Diverse Agriculture, Community Separator, Scenic Landscape Unit, or Critical Habitat Area in the Sonoma County General Plan adopted March 23, 1989, as amended through April 9, 1996; and

(2) That the land is immediately adjacent to (a) the existing UGB, and (b) serviceable water and sewer connections; and

(3) That the proposed development will consist of primarily low and very low income housing pursuant to the Housing Element of this General Plan; and

(4) That there is no existing vacant or underdeveloped residentially designated land within the UGB to accommodate the proposed development and it is not reasonably feasible to accommodate the proposed development by redesignating lands within the UGB for low and very low income housing; and

(5) That the proposed development is necessary to comply with state law requirements for provision of low and very low income housing and the area of land within the proposed development will not exceed the minimum necessary to comply with state law; and

(6) That substantial evidence demonstrates that the proposed development will not cause the Levels of Service specified in Program 1.4 of the Land Use Element (Chapter I, Land Use) and Policy P.16 of the Circulation Element (Chapter II, Transportation) of the City of Sebastopol General Plan adopted May 31, 1994, as amended through April 9, 1996 to be exceeded with respect to water, wastewater, parks, fire services, police services, storm drainage, schools, and traffic.

c. The City Council may amend the UGB to accommodate lands to be designated for Office or Light Industrial uses to improve local employment. No more than a total of 25 acres of land may be brought within the UGB for this purpose prior to December 31, 2016. Such amendment(s) may be adopted only if the City Council makes all of the following findings:

(1) That the land to be included within the UGB is not designated as Land Intensive Agriculture, Land Extensive Agriculture, Diverse Agriculture, Community Separator, Scenic Landscape Unit, or Critical Habitat Area in the Sonoma County General Plan adopted March 23, 1989, as amended through April 9, 1996; and

(2) That the land to be included is immediately adjacent to (a) the existing UGB, and (b) serviceable water and sewer connections; and

(3) That there is no existing office or light industrial designated land available within the UGB to accommodate the proposed development and it is not reasonably feasible to accommodate the proposed development by redesignating lands within the UGB for office and light industrial uses; and

(4) That substantial evidence demonstrates that the proposed development will not cause the Levels of Service specified in Program 1.4 of the Land Use Element (Chapter I, Land Use) and Policy P.16 of the Circulation Element (Chapter II, Transportation) of the City of Sebastopol General Plan adopted May 31, 1994, as amended through April 9, 1996 to be exceeded with respect to water, wastewater, parks, fire services, police services, storm drainage, schools, and traffic; and

(5) That the proposed development would:

(i) be consistent with (a) protecting and increasing the economic vitality of the Downtown, and (b) maintaining the Downtown as the retail center of the community and as a place for community and cultural activities; and

(ii) pay its "fair share" of capital improvements for public services and facilities to maintain adequate Levels of Service in the City; and

(iii) make a significant contribution to local employment and provide a significant and sustainable economic benefit to the community consistent with the goals and policies of the Economic Vitality chapter (Chapter VI) of the City of Sebastopol General Plan.

d. The City Council may amend the UGB if it makes both of the following findings:

(1) That the application of any aspect of Land Use policies P.8, P.9, or P.9A would constitute an unconstitutional taking of a landowner's property, and

(2) That the amendment and associated land use designation will allow additional land uses only to the minimum extent necessary to avoid said unconstitutional taking of the landowner's property.

e. For the purposes of implementing Land Use policy P.9, the following uses shall not be considered "development," and shall be permitted beyond the UGB:

(1) Open space used for agriculture or any of the purposes set forth in Government Code section 65560 as of April 9, 1996; and

(2) Community facilities developed to implement the goals and policies set forth in Chapter III (Conservation, Parks and Open Space) or section 1 of Chapter VI (Safety) of the City of Sebastopol General Plan adopted May 31, 1994, as amended through April 9, 1996.

f. Any general plan amendment, rezoning, specific plan, subdivision map, conditional use permit, or any other discretionary entitlement approved by the City on land brought within the UGB pursuant to paragraphs (b), (c), or (d) of this Policy 9A must be consistent with the findings made in connection with that land's inclusion within the UGB.

g. The General Plan may be reorganized, and individual provisions may be renumbered or reordered in the course of ongoing updates of the General Plan in accordance with the requirements of state law, but Land Use Policies P.8, P.9, and P.9A shall continue to be included in the General Plan until December 31, 2016, unless earlier repealed or amended pursuant to the procedures set forth above or by the voters of the City.

Section 3. Implementation.

A. **Effective Date.** Upon the effective date of this initiative, the provisions of section 2 of the initiative are hereby inserted into the Land Use Element of the City of Sebastopol General Plan as an amendment thereof, except that if the four amendments of the mandatory elements of the general plan permitted by state law for any given calendar year have already been utilized in 1996 prior to the effective date of this initiative, this general plan amendment shall be the first amendment inserted in the City's General Plan on January 1, 1997. At such time as this general plan amendment is inserted in the City of Sebastopol General Plan, any provisions of the City of Sebastopol Zoning Ordinance, as reflected in the ordinance text itself or the City of Sebastopol Zoning Map, inconsistent with this general plan amendment shall not be enforced.

B. **Interim Amendments.** The City of Sebastopol General Plan in effect at the time the Notice of Intention to propose this initiative measure was submitted to the City of Sebastopol City Elections Official ("submittal date"), and that General Plan as amended by this initiative measure, comprise an integrated, internally consistent and compatible statement of policies for the City. In order to ensure that the City of Sebastopol General Plan remains an integrated, internally consistent and

compatible statement of policies for the City as required by state law, the General Plan provisions adopted by section 2 of this initiative shall prevail over any revisions to the City of Sebastopol General Plan that conflict with said General Plan amendment and were adopted between the submittal date and the date the amendments adopted by this initiative measure are inserted into the General Plan.

C. **Project Approvals.** Upon the effective date of this initiative, the City, and its departments, boards, commissions, officers and employees, shall not grant, or by inaction allow to be approved by operation of law, any general plan amendment, rezoning, specific plan, subdivision map, conditional use permit, building permit or any other ministerial or discretionary entitlement, which is inconsistent with this initiative.

Section 4. Exemptions for Certain Projects.

This initiative shall not apply to any development project that has obtained as of the effective date of the initiative a vested right pursuant to state law.

Section 5. Severability.

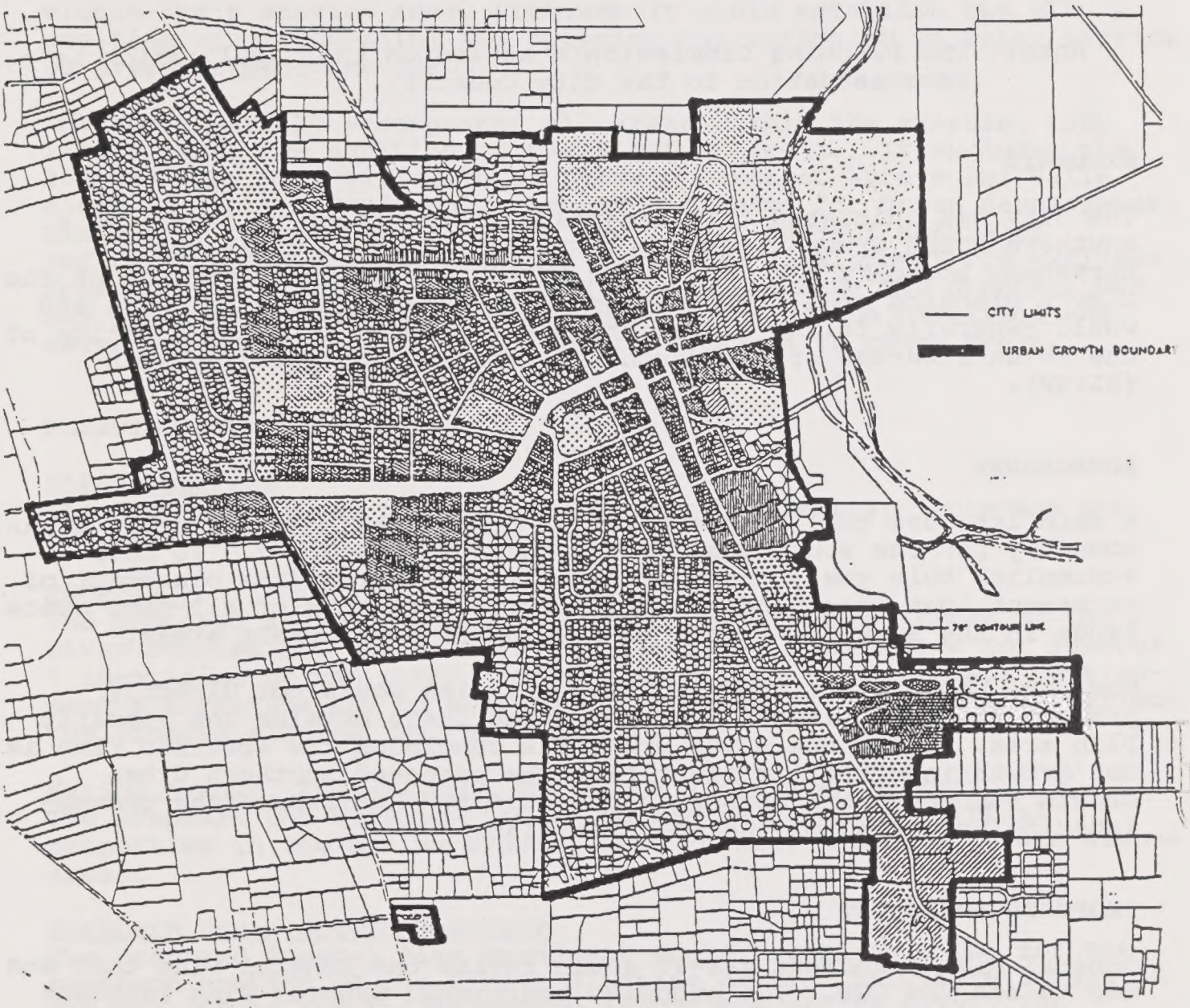
If any portion of this initiative is declared invalid by a court, the remaining portions are to be considered valid.

Section 6. Amendment or Repeal.

This initiative may be amended or repealed only by the voters of the City of Sebastopol at a City election.

Exhibit A

City of Sebastopol Land Use Designations Map



CITY OF LIVERMORE

STAFF SUMMARY REPORT

City of Livermore
Planning Commission

Agenda Item: 4.2
Date: September 2, 1997
Subject: General Plan Amendment #88-97

Note: The Planning Commission's action on this application is a recommendation to the City Council.

SYNOPSIS

The City has initiated this General Plan Amendment to establish a southern Urban Growth Boundary (UGB) to provide a clear and permanent boundary for urban uses within the southern portion of the City's planning area. The UGB would be located south of I-580 and would generally follow the existing City limits with the addition of the seven subareas of the South Livermore Valley Specific Plan (SLVSP).

BACKGROUND

A main land use goal of the SLVSP is "to establish a permanent urban boundary for the south edge of the City of Livermore". To help accomplish this goal, the Draft Specific Plan requires placement of permanent open space and/or agricultural easements on all open space lands in the Specific Plan area outside of development areas.

However, these Draft Specific Plan policies would not directly protect the agricultural and open space lands outside the Specific Plan area. While the SLVSP Draft EIR concludes the Specific Plan is not growth inducing, it identifies the proposed southern Urban Growth Boundary as a measure that would further reduce the growth-inducing potential of the Specific Plan.

PROPOSED AMENDMENT

General Plan Amendment #88-97 would revise the General Plan text and map to add the UGB. The proposed additional General Plan language is included as Attachment #1. A generalized map and a description of the UGB are included as Attachments #2 and #3, respectively. A more detailed proposed southern UGB map will be presented at the Planning Commission public hearing.

9-2-97
DATE

4.2
AGENDA ITEM NO.

The proposed General Plan Amendment would establish that:

> *It is the goal of the City to establish a coherent and logical pattern of urban uses that protects and enhances open space and agricultural uses by providing a clear and permanent boundary for urban uses within the City's planning area.*

With the proposed General Plan Amendment, the City would not approve urban development outside the UGB, nor would it extend sewer and water service to areas outside of the UGB.

The UGB would not affect the provision of water service by Cal Water within their service area, although it would establish the City's position of discouraging and opposing the extension of water service to areas outside the UGB.

The UGB generally encompasses all areas within the existing City limits, with the addition of the SLVSP subareas. It excludes the 20-acre Ruby Hill viticultural parcels south of Arroyo Del Valle along Vallecitos Road, which are not intended for urban development. Similarly, certain areas within the City's current sphere of influence which are not intended for urban development are excluded from the UGB. In addition, certain areas outside the proposed UGB may be annexed, but urban development would not be permitted and sewer and water service would not be extended to these areas.

PLANNING CONSIDERATIONS

SLVSP Subareas
The UGB encompasses the developed areas of the SLVSP subareas and excludes the agricultural buffers.

Subarea 7
The proposed southern UGB encompasses the developed areas of the SLVSP Subarea 7. The boundary reflects the alternative for Subarea 7 identified by the SLVSP Advisory Committee. A different development alternative may be adopted for Subarea 7. The UGB will reflect the adopted alternative for Subarea 7.

Marina Avenue, Reed-Edward, and Buena Vista Avenue Areas
The proposed UGB excludes the 1- to 5-acre rural residential properties in the Marina Avenue, Reed-Edward, and Buena Vista Avenue areas.

Northern Urban Growth Boundary
The proposed General Plan Amendment would establish a UGB for the southern portion of the City's planning area. The City's intent is for the UGB to eventually extend around the entire City. The boundary for the northern portion of the City's planning area will be established as part of the North Livermore planning program.

9-2-97
DATE

4.2
AGENDA ITEM NO.

Greenville Road Corridor

In the eastern portion of the planning area, the proposed UGB has been terminated at East Avenue rather than extended to I-580. Planning for the eastern portion of the City's planning area has not been a priority because the City has been focused on major planning programs in South and North Livermore. The lands east of Greenville Road would likely be appropriate for industrial development, and the City currently has an adequate supply of lands designated industrial. The establishment of a UGB for this area may be premature before additional planning for the area has occurred.

If the Planning Commission wishes to recommend a UGB for this area, the staff has identified two alternative boundaries: (1) along the City's existing sphere of influence (approximately one-half mile east of Greenville Road); or (2) a closer boundary along Greenville Road and the Union Pacific Railroad, approximately following the existing City limit and encompassing all areas designated for urban development in the General Plan. These two alternative boundaries are shown on the proposed UGB map included as Attachment #2.

Voter Approval

As currently proposed by the staff, following approval by the City Council, the UGB could be put to a vote of the people for adoption. The UGB would be permanent and remain in effect until amended by a vote of the people. Alternatively, the Planning Commission may recommend the UGB be adopted and amended by a simple vote of a majority of the City Council.

ENVIRONMENTAL DETERMINATION

The potential environmental effects of General Plan Amendment #88-97 have been evaluated in the South Livermore Valley Specific Plan and General Plan Amendment Draft Environmental Impact Report. The comment period for the EIR concluded on July 14, 1997. The final EIR will be available September 15, 1997.

ATTACHMENTS

1. Proposed General Plan text changes
2. Proposed southern Urban Growth Boundary Map
3. Proposed southern Urban Growth Boundary written description

RECOMMENDATION

The staff recommends the Planning Commission recommend the City Council approve General Plan Amendment #88-97.

Prepared by the
Planning Division
City of Livermore

rb\gpa8897.pc

9-2-97
DATE

4.2
AGENDA ITEM NO.

General Plan Amendment #88-97
Proposed Text Changes

Insert the following i the Livermore Community General Plan:

I. At Part III.B.1.d (Goals for Urban Growth), insert the following:

d. It is the goal of the City to establish a coherent and logical pattern of urban uses that protects and enhances open space and agricultural uses by providing a clear and permanent boundary for urban uses within the City's planning area.

II. Following Part IV.B.5 (Land Use Element Proposals, Agriculture/Viticulture), insert the following:

6. Urban Growth Boundary

a. Definitions

(1) For the purposes of this section, "urban uses" and "urban development" include any use that is not permitted on lands within a general plan land use designation of Limited Agriculture; General Agriculture; Viticulture; Agriculture/Viticulture; Parks, Trailway, and Recreation, Corridor, and Protected Areas; or Range and Grassland.

(2) For the purposes of this section, "urban services" refer to sewer and water service.

b. South Livermore Policies

(1) Maintain a permanent Urban Growth Boundary (UGB) on the City's southern edge (as indicated by Figure IV-2 and the City's Land Use Map) beyond which urban development shall not be permitted. Non-urban uses, such as agriculture, parks, and open space may be permitted within the UGB.

(2) Permit only non-urban uses beyond the UGB within the City's municipal boundary. Beyond the City's municipal boundary, discourage and oppose any urban uses.

Planning Commission
Attachment 1 Page 1

(3) Extend urban services only to areas within the UGB, except that the City may provide sewage treatment and disposal services to the Veterans Administration Hospital for hospital uses.

(4) Encourage compatible uses immediately inside the UGB, as necessary to prevent potential land use conflicts with outlying non-urban uses.

(5) [This provision to be presented to the voters in June 1998: The foregoing Goal III.B.1.6 and Policies IV.B.6 a through b, and the Urban Growth Boundary designated on the Land Use Map of the Livermore Community General Plan adopted March 8, 1976 and as readopted by the South Livermore Urban Growth Initiative, shall be amended only by a vote of the people.]

III. Amend the Livermore Community General Plan Land Use Map to show a southern Urban Growth Boundary.

PROPOSED SOUTHERN URBAN GROWTH BOUNDARY

Beginning at Interstate 580, south along the east side of El Charro Road (the existing City limit) to the Arroyo Mocho channel. East and southeast along the north side of the Arroyo Mocho channel. East along the north side of the quarry lakes (approximately 300 feet south of Jack London Boulevard).

South along the eastern edge of the quarry area (encompassing agricultural properties west of the planned Isabel extension alignment) to the Union Pacific Railroad. East along the north side of the Union Pacific Railroad to the Isabel extension. South along the west side of Isabel Avenue (the existing City limit) to Alden Lane.

East along Alden Lane for approximately 700 feet, then southeast along the north side of Arroyo Del Valle to Vallecitos Road.

Across Vallecitos Road and south, encompassing the developed areas of the South Livermore Valley Specific Plan (SLVSP) Subarea 7. (The proposed southern urban growth boundary reflects the alternative for Subarea 7 identified by the SLVSP Advisory Committee. A different development alternative may be adopted. The urban growth boundary will reflect the adopted alternative for Subarea 7.)

East along Wetmore Road, encompassing the developed areas of SLVSP Subarea 5. Southwest from the Wetmore Road/Arroyo Road intersection to encompass a proposed commercial site in Subarea 6. North along Arroyo Road, encompassing a proposed commercial site in the northeast corner of the Wetmore Road/Arroyo Road intersection and the developed areas of Subarea 4.

Following the existing City limit east and then north around the Normandy Circle neighborhood, excluding the Marina Avenue and Reed-Edward areas. East along the proposed Concannon Boulevard extension alignment and north to South Livermore Avenue, encompassing the developed areas of SLVSP Subarea 3.

East from the Civic Center complex to Almond Avenue. North along Almond Avenue, following the existing City limit to East Avenue, excluding the Buena Vista Avenue area. East along East Avenue. South from Charlotte Way, encompassing the developed areas of SLVSP Subarea 2. East across Vasco Road encompassing the developed areas of Subarea 1, and the Sandia National Laboratories. North along the west side of the South Bay Aqueduct and Greenville Road to East Avenue.

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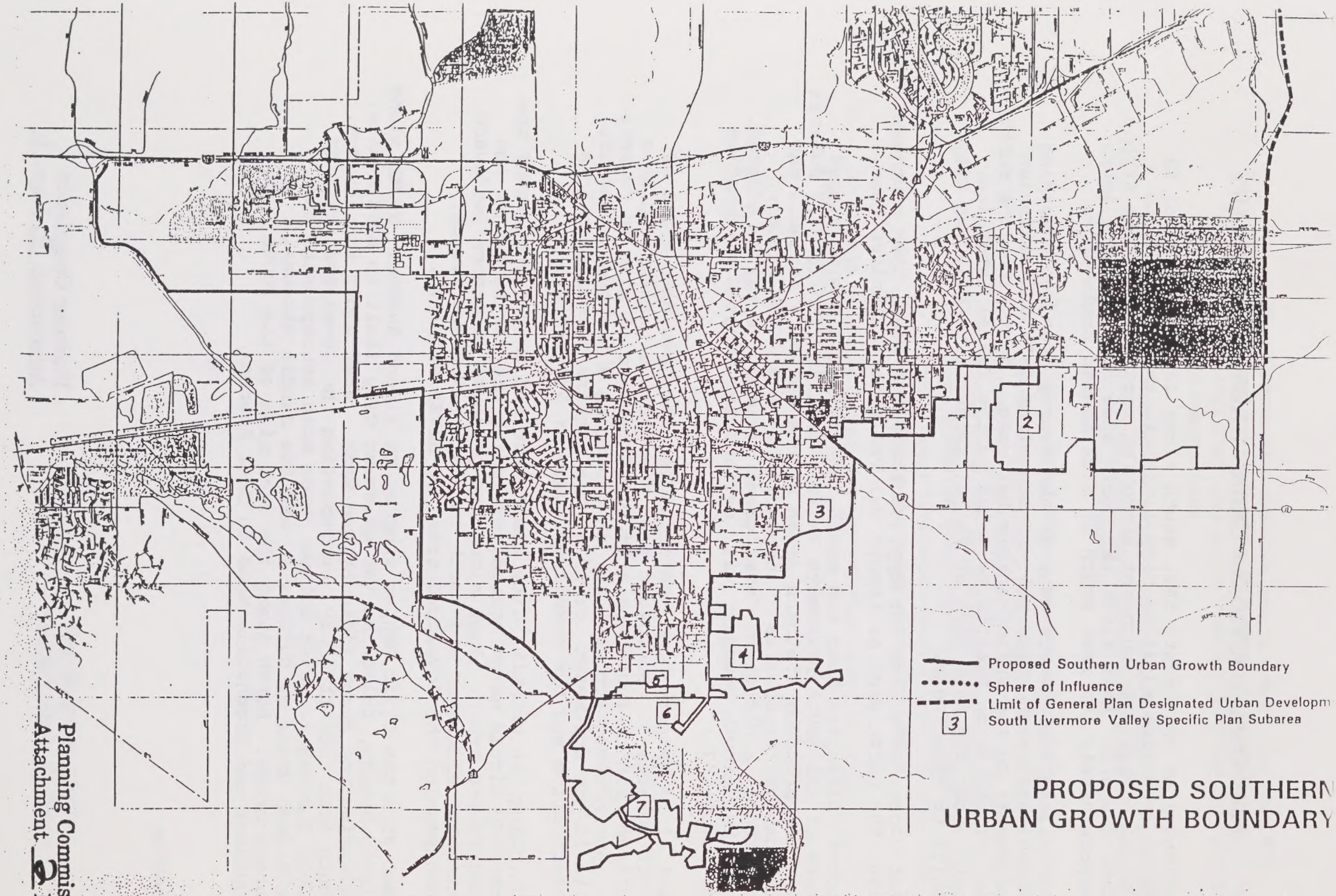

PROPOSED SOUTHERN
URBAN GROWTH BOUNDARY

Planning Commission
Attachment 2 Page 1

General Plan Amendment #88-97
Proposed Text Changes

Insert the following in the City of Livermore General Plan:

I. At Part III.B.1.d (Goals for Urban Growth), insert the following:

d. It is the goal of the City to establish a coherent and logical pattern of urban uses that protects and enhances open space and agricultural uses by providing a clear and permanent boundary for urban uses within the City's planning area.

II. Following Part IV.B.5 (Land Use Element Proposals, Agriculture/Viticulture), insert the following:

6. Urban Growth Boundary

a. Definitions

(1) For the purposes of this section, "urban uses" and "urban development" include any use that is not permitted on lands with a general plan land use designation of Limited Agriculture; General Agriculture; Viticulture; Agriculture/Viticulture; Parks, Trailway and Recreation, Corridor, and Protected Areas; or Range and Grassland.

(2) For the purposes of this section, "urban services" refer to sewer and water service.

b. South Livermore Policies

(1) Maintain a permanent Urban Growth Boundary (UGB) on the City's southern edge (as indicated in Figure IV-2 and the City's Land Use Map) beyond which urban development shall not be permitted. Non-urban uses, such as agriculture, parks, and open space may be permitted within and beyond the UGB.

(2) Permit only non-urban uses beyond the UGB within the City's municipal boundary. Beyond the City's municipal boundary, discourage and oppose any urban uses.

(3) Extend urban services only to areas within the UGB, except that the City may provide (i) sewage treatment and disposal services to the Veterans Administration Hospital for hospital uses and (ii) urban services for residences on parcels outside of the UGB which parcels were existing as of October 27, 1997, provided the property receiving such services shall record a binding agreement between the property owner and the City disallowing further division of the property and any provision of urban services to non-residential uses upon the property.

(4) Encourage compatible uses immediately inside the UGB, as necessary to prevent potential land use conflicts with outlying non-urban uses.

(5) The UGB is indicated by a solid line in Figure IV-2 and the City's land use map. The dashed portion of the line shall become a part of the UGB in the event that a final subdivision map is approved for urban development on lands lying within the dashed line in accordance with the South Livermore Valley Specific Plan. The UGB shall remain unchanged, however, and the dashed line shall be removed in the event that the South Livermore Valley Specific Plan is amended such that urban development is no longer designated for the lands within the dashed line.

III. Insert the attached exhibit as Figure IV-2 in Part IV.B.6 of the Livermore Community General Plan.

IV. Amend the Livermore Community General Plan Land Use Map to show a southern Urban Growth Boundary

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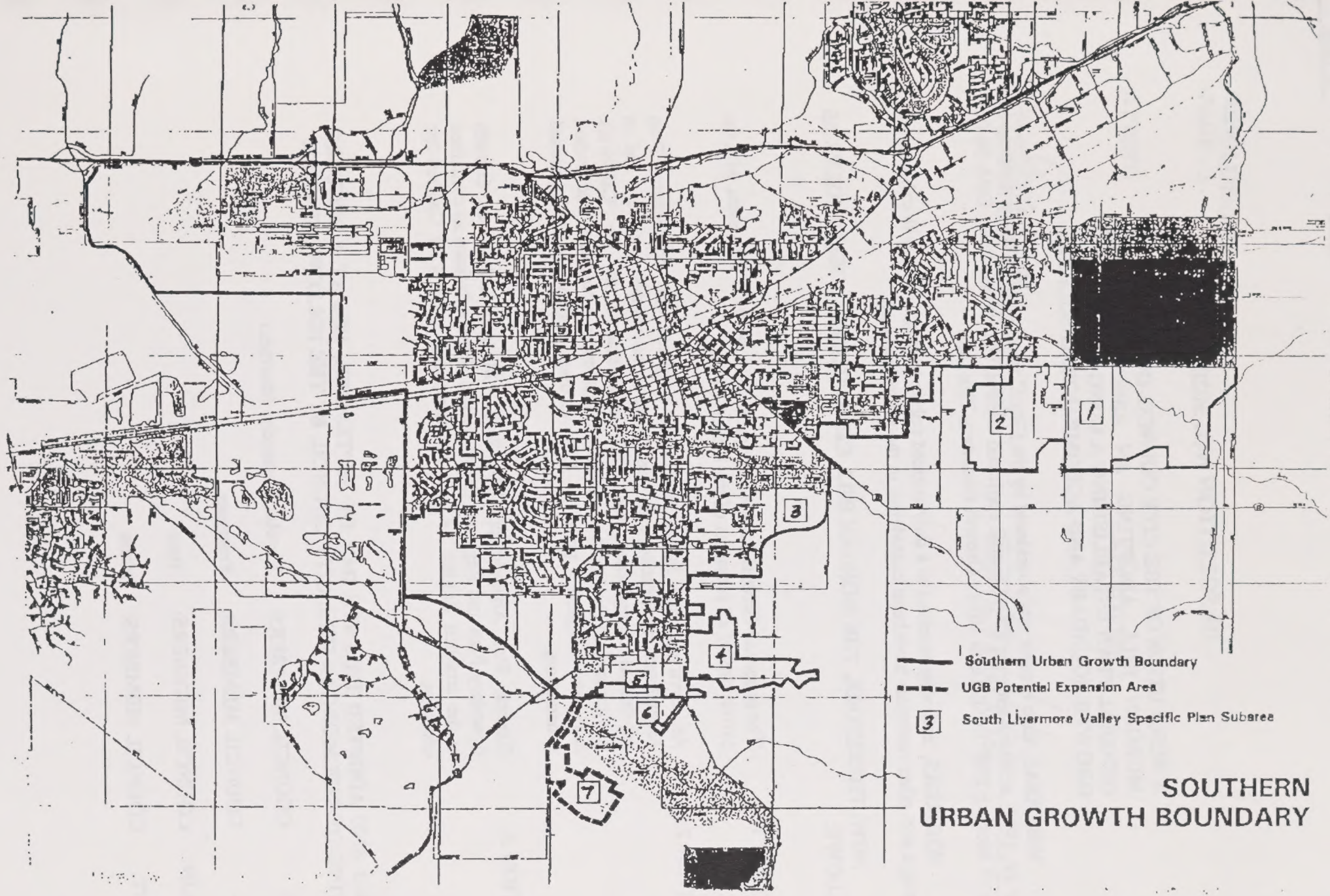

SOUTHERN URBAN GROWTH BOUNDARY

RESOLUTION NO. 5020

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL ADOPTING AN AMENDMENT THE GENERAL PLAN ESTABLISHING A LONG TERM URBAN GROWTH BOUNDARY AND ACCOMPANYING POLICIES.

WHEREAS, such request was considered by the City Council at their regular meeting of June 19, 1996, at which time the City Council approved General Plan Amendment GPA-96-01: City of Morgan Hill- Long Term Urban Growth Boundary Plan; and

WHEREAS, testimony received at a duly-noticed public hearing, along with exhibits and drawings and other materials have been considered in the review process;

NOW, THEREFORE, THE MORGAN HILL CITY COUNCIL DOES RESOLVE AS FOLLOWS:

SECTION 1: The proposed General Plan Amendment GPA 96-01 is consistent with the provisions of all elements of the General Plan.

SECTION 2: An environmental initial study was prepared for the General Plan Amendment application and was found to be complete, correct and in substantial compliance with the requirements of the California Environmental Quality Act. Based on that study, a Negative Declaration has been adopted prior to City Council action on the proposed Amendment.

SECTION 3: General Plan Amendment GPA 96-01, Morgan Hill Urban Growth Boundary Plan and Regional Coordination Element Policies as contained in the attached Exhibit "A", is recommended to the City Council for adoption.

PASSED AND ADOPTED THIS 4TH DAY OF SEPTEMBER, 1996 AT A REGULAR MEETING OF THE MORGAN HILL CITY COUNCIL BY THE FOLLOWING VOTE:

AYES: **COUNCIL MEMBERS:** **Varela, Kennedy, Martucci**

NOES: **COUNCIL MEMBERS:** **Freeman**

ABSTAIN: **COUNCIL MEMBERS:** **None**

ABSENT: **COUNCIL MEMBERS:** **None**

ATTEST:

IRMA TORREZ, Deputy City Clerk

APPROVED:

JOHN L. VARELA, Mayor

H. LONG TERM URBAN GROWTH BOUNDARY

GOAL Long Term Cost Effective Urbanization of Morgan Hill and the Surrounding Area

Objective Establish a long term urban growth boundary (UGB) around the city.

Policy 8a. Establish and maintain a long term urban growth boundary for the City of Morgan Hill, in order to:

a. differentiate lands within the Morgan Hill Sphere of Influence (SOI) intended for future urbanization from those intended to remain rural and unincorporated over an approximately 20 year time period;
b. provide greater stability of future land use patterns than is currently provided by the existing "short term" urban service area (USA) boundaries;
c. indicate the preferred extent and direction of the city's future urban expansion and capital improvements planning, consistent with the city's general plan;
d. encourage compact and concentric urban growth and development;
e. promote fiscal responsibility, cost-effective service delivery, and the city's ability to plan for and adequately maintain urban services over time;
f. provide for an adequate land supply necessary for sustainable economic growth;
g. compensate for the impacts of the city's historical patterns of urban growth;
h. achieve greater compatibility of land use planning and decision-making for lands of mutual interest to the City and County; and,
i. provide additional certainty to rural landowners needed for purposes of planning investments and maintaining viable agricultural operations.

GOAL Maintain the Urban Growth Boundary Over Time

Objective Maintenance of a stable UGB location and the creation of a dependable, rational process for considering changes to the UGB.

Objective Added certainty to planning endeavors and long term land use patterns.

Objective Demonstrable consistency with City and County General Plans.

Objective Consistency of the UGB with current growth management policy and Urban Service Area expansion procedures.

Objective Adequacy of City/County coordination and concurrence on changes to the UGB.

Policy 9a. Ensure that future proposals to modify the UGB are evaluated according to the considerations which guided its initial establishment, particularly stability and dependability factors. Utilize established criteria, findings or other prerequisites, such as the need to ~~ensure an adequate inventory~~ ***maintain a 20 year supply on average*** of available land for accommodating projected growth, as the basis for evaluating any proposals to expand the UGB. Make no provision to reconsider the UGB location more frequently than on a 10 year basis unless triggered by the established criteria, findings, or prerequisites.

Action: Establish explicit, objective planning criteria, findings, or prerequisites that will serve as the basis for considering proposals to modify the location of the UGB. These may include but are not limited to standards for adequate land supply reserves, availability and levels of urban services, consistency with circulation and other plan elements, demographic projections, and resource conservation criteria.

Action: ***Compare actual and assumed growth rates every five years and re-establish a 20 to 25 year supply whenever the available land supply within the existing long term urban growth boundary is less than 20 years worth of developable land.***

Policy 9b. Ensure the consistency of all future proposals to modify the UGB location with applicable policies of the City's and County's General Plan, particularly concerning countywide urban growth management.

Policy 9c. ***Except as provided in Policy 9a,*** consider modifications to the UGB location only in conjunction with a comprehensive City General Plan land use element update, which occurs on an approximately 10 year interval, to ensure coordination between relevant land use planning issues and growth management considerations.

Policy 9d. Allow urban service area (USA) expansions only within the long term UGB and for lands with urban designations; the timing and extent of USA expansion shall remain consistent with established USA expansion policies and ordinances.

Policy 9e. Consider reversion of residentially-designated lands outside the city limits and UGB to non-urban designations, through a comprehensive land use element update.

Policy 9f. Adopt the UGB and accompanying policies as part of the City's General Plan, to be depicted on ~~a supplementary~~ ***the General Plan*** land use diagram and as part of the city's Regional Coordination Element Policies governing land use within the UGB and SOI.

Policy 9g. Ensure that County staff and decision-makers have adequate opportunity to participate in ***the evaluation of*** proposals to modify the UGB - the relative level of participation to be in keeping with the geographic scale or impact of the proposed UGB changes (i.e., major revisions imply more significant role for joint City/County coordination; very minor or insignificant modifications would imply a potentially less significant role for joint City/County coordination).

Policy 9h. ~~Require changes to the location of the UGB and/or its accompanying policies to be mutually agreeable to and adopted by both the City and County, consistent with the goals, precedent, and spirt of the current South County Joint Area Plan.~~

Establish policies, criteria, and methodology for considering changes to the UGB which are reasonable and consistent with the goals, precedent, and spirt of the current South County Joint Area Plan.

Action: ***Future modifications to the UGB should be considered using methodology developed in consultation with the County and should include opportunity for County review and comment concerning proposed modifications, in accordance with jointly adopted policies and other implementation recommendations of the City and County.***

Action: Develop consistent, coordinated procedures to implement and maintain the UGB.

~~Action: Jointly pursue and develop an inter-jurisdictional agreement that will ensure maintenance and commitment to the UGB, to be implemented at such time as the law allows for such instruments of joint planning to be adopted.~~

Policy 9i. ***Include developed unincorporated lands in the UGB when it provides for a logical extension of the boundary and is consistent with established planning criteria, findings, or prerequisites.***

GOAL Efficient and Appropriate Development of Land within the UGB

Objective The ability of the City to efficiently and appropriately develop lands within the UGB in accordance with the City's General Plan, as urban expansion is warranted.

Policy 10a. Avoid land uses and development ***in the unincorporated areas*** which would potentially conflict with future annexation and the optimal utilization of lands within the UGB. Allow only those interim uses which are consistent with intended future development.

Policy 10b. Retain large minimum parcel sizes, and promote agricultural and open space uses on unincorporated lands within the UGB.

Policy 10c. Avoid premature road and infrastructure extensions that might conflict with optimal street configurations and development patterns within the UGB.

Policy 10d. Limit the introduction of any intensive commercial, industrial, or institutional uses on unincorporated lands within the UGB.

Policy 10e. ~~Ensure that~~ ***Prohibit the introduction of*** Roadside Services land use designations ~~are not established~~ on unincorporated lands. ~~within the UGB.~~

GOAL The Preservation of Agricultural and Open Space Uses for Unincorporated Lands Outside the UGB

Objective Maintenance of current County General Plan policy encouraging agricultural and open space uses and prohibiting uses of an urban density, intensity or nature.

Objective Maintain and enhance economic viability of non-urban lands to remain under County land use jurisdiction, wherever possible.

Objective Coordination with land acquisition agencies regarding preservation of open space lands.

Policy 11a. Retain current Rural County and Open Space land use designations applicable to rural unincorporated lands outside the UGB.

Policy 11b. Work with the County to minimize potential land use conflicts between urban uses within the UGB and lands adjacent to the growth boundary.

Action: Jointly establish a referral process for unincorporated project proposals and General Plan or zoning interpretation issues which might be incompatible with the goals, objectives and policies of the Morgan Hill/Santa Clara County long term UGB.

Policy 11c. Explore and implement as feasible various measures to enhance the economic viability of agriculturists, as called for in the City's General Plan and County's General Plan (e.g.: County Competitiveness Task Force).

Action: Support and affirm the County's Right-to-Farm Ordinance and adopt a local Right-to-Farm Ordinance to apply to those areas within the Morgan Hill city limits.

Policy 11d. Support the County's effort to promote the use of expanded home occupations for rural landowners and agriculturists, within the parameters of the County's zoning ordinance.

Policy 11e. Coordinate measures to enhance economic viability being considered in conjunction with other inter-jurisdictional planning in which the City and County are participants.

~~**Policy 11f.** Utilize the long term UGB to provide general guidance to land acquisition agencies such as the Santa Clara County Open Space Authority regarding future acquisition and preservation opportunities around the City of Morgan Hill.~~

(Revised 8/29/96)
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RECEIVED
AUG 15 1996
CITY OF HEALDSBURG
PUBLIC WORKS

CITY OF HEALDSBURG

RESOLUTION NO. 73-96

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HEALDSBURG: (1) CALLING AND GIVING NOTICE OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 5, 1996, FOR THE PURPOSE OF SUBMITTING A PROPOSED ORDINANCE PRESENTED TO IT BY INITIATIVE REGARDING URBAN GROWTH BOUNDARIES TO THE VOTERS; (2) REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF SONOMA TO CONSOLIDATE THE GENERAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 5, 1996, WITH THE STATEWIDE GENERAL ELECTION PURSUANT TO SECTION 10403 OF THE ELECTIONS CODE; (3) TRANSMITTING MEASURE TO CITY ATTORNEY FOR IMPARTIAL ANALYSIS; AND (4) AUTHORIZING ARGUMENTS IN FAVOR AND AGAINST MEASURE AND REBUTTAL ARGUMENTS

WHEREAS, pursuant to authority provided by statute an initiative petition has been filed with the legislative body of the City of Healdsburg, California, signed by more than ten percent (10%) of the number of registered voters of the City to submit a proposed ordinance amending the general plan to establish Urban Growth Boundaries in the City of Healdsburg; and

WHEREAS, the City Clerk examined the records of registration and ascertained that the petition is signed by the requisite number of voters, and has so certified; and

WHEREAS, the City Council has not voted in favor of the adoption of the ordinance;

WHEREAS, the City Council is authorized and directed by statute to submit the proposed ordinance to the voters;

WHEREAS, the City Council has already called a general municipal election for November 5, 1996, and requested consolidation of said election with the statewide general election for the purpose of election of three members of the City Council to fill positions which will expire in 1996; and

WHEREAS, by calling an election for the proposed ordinance herein, the City Council desires that both elections shall be held in all respects as if there were only one election, and only one form of ballot shall be used;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF HEALDSBURG, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

Section 1. The City Council hereby submits the proposed ordinance which was submitted to it by initiative petition to the voters at the general consolidated municipal election on Tuesday, November 5, 1996, as follows:

SHALL THE ORDINANCE AMENDING THE GENERAL PLAN TO ESTABLISH URBAN GROWTH BOUNDARIES IN THE CITY OF HEALDSBURG BE ADOPTED?	Yes	
	No	

The ordinance shall be considered approved if a majority of the voters at the said election cast a "YES" vote. If approved, the ordinance shall go into effect ten (10) days after the date the vote is declared by the legislative body.

Section 2. That pursuant to the requirements of Section 10403 of the Elections Code, the Board of Supervisors of the County of Sonoma is hereby requested to consent and agree to the consolidation of a General Municipal Election with the Statewide General Election on Tuesday, November 5, 1996, and that said election for this ordinance and the election called for the purpose of the election of three members of the City Council to fill positions which will expire in 1996, shall be held in all respects as if there were only one election, and only one form of ballot shall be used;

Section 3. That the text of the ordinance submitted to the voters is attached as EXHIBIT A.

Section 4. That the ballots to be used at the election shall be in form and content as required by law.

Section 5. That the Board of Supervisors is requested to issue instructions to the County Election Department to take any and all steps necessary for the holding of the consolidated election.

Section 6. That the City of Healdsburg recognizes that additional costs will be incurred by the County by reason of this consolidation and agrees to reimburse the County for any costs associated with Healdsburg's Municipal Election.

Section 7. That the City Clerk shall transmit the proposed ordinance to the City Attorney for the preparation of an impartial analysis.

Section 8. That in all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.

Section 9. That notice of the date and time of holding the election is given (Tuesday, November 5, 1996, with elections polls remaining open between the hours of 7:00 a.m. and 8:00 p.m.) and the City Clerk is authorized, instructed and directed to give further or additional notice of the election, in time, form and manner as required by law.

Section 10. That the City Clerk is hereby directed to file a certified copy of this resolution with the Board of Supervisors and the County Election Department of the County of Sonoma.

Section 11. That the deadlines set forth in the initiative measure calendar attached hereto as EXHIBIT B is adopted.

Section 12. That arguments for and against the ordinance are authorized and that under the authority of Section 9220 of the Elections Code rebuttal arguments are permitted.

Section 13. That the County election department is authorized to canvass the returns of the general municipal election. The election shall be held in all respects as if there were only one election, and only one form of ballot shall be used.

Section 14. That the City Clerk shall certify to the passage and adoption of this resolution and enter into the book of original resolutions.

PASSED AND ADOPTED by the City Council of the City of Healdsburg, County of Sonoma, State of California, this 1st day of July, 1996, by the following vote:

VOTE upon the foregoing resolution was as follows:

AYES: Councilmembers: (4) Chambers, Foppiano, Harvey and Howell

NOES: Councilmembers: (0) None

ABSENT: Councilmembers: (1) Mayor Mitchell

SO ORDERED:

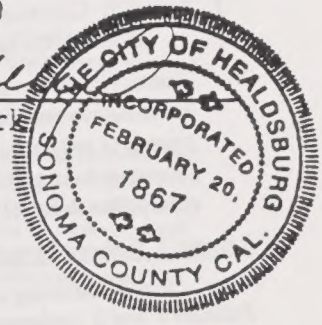
/S/ CARLA HOWELL
Carla Howell
Vice-Mayor

ATTEST:

/S/ MARIA CURIEL
Maria Curiel
City Clerk

I, MARIA CURIEL, City Clerk of the City of Healdsburg, do hereby certify that the foregoing is a full, true, and correct copy of a resolution adopted by the City Council of the City of Healdsburg on the 1st day of July, 1996.

City Clerk



The people of the City of Healdsburg hereby ordain as follows:

Section 1: Purpose and Findings.

I. The purpose of this initiative is to reaffirm and readopt General Plan policies establishing Healdsburg's Urban Service Area/Urban Growth Boundary ("UGB").

II. General Plan amendments 94-2(C) and 95-2(A), adopted in 1995, established a 20-year UGB for Healdsburg, congruent with the city's existing Sphere of Influence. They restrict urban development outside the boundary, stipulating that city water and sewer service shall not be extended to development outside of the boundary except under extraordinary circumstances pursuant to other applicable General Plan policies. This initiative would, with certain exceptions, require any extension of the UGB to be approved by a vote of the people.

III. The purposes of this boundary are:

A. To encourage efficient growth patterns and protect the City of Healdsburg's quality of life by concentrating future development largely within existing developed areas, or, in some cases, directly adjacent to them, consistent with the availability of infrastructure and services;

B. To promote on lands outside the boundary ongoing agricultural and other natural resource and open space uses as defined in Government Code section 65560(b), such as preservation of natural resources, public and private outdoor recreation, uses that foster public health and safety, and productive investment for farming enterprises;

C. To manage the City's growth in a manner that fosters and protects the rural character of Healdsburg while encouraging appropriate economic development in accordance with the City's unique local conditions;

D. To allow the City to continue to meet its reasonable housing needs for all economic segments of the population, especially low and moderate income households, by directing the development of housing into areas where services and infrastructure are more efficiently available; and

E. To promote stability in long term planning for the City by establishing a cornerstone policy within the General Plan designating the geographic limits of long term urban development and allowing sufficient flexibility within those limits to respond to the City's changing needs over time.

IV. The Land Use Element of the City of Healdsburg General Plan, adopted August 3, 1987, as amended through March 1, 1996, sets forth policies establishing Healdsburg's UGB, including the following:

Goal A: To provide orderly development within well-defined urban boundaries through the adoption of an Urban Service Area/Urban Growth Boundary.

Policy 1: An Urban Service Area/Urban Growth Boundary is established, as shown on Land Use Diagram 2. No new development other than public parks, public schools, public facilities, and open space used as defined in state law (including agricultural uses) shall be permitted outside the Urban Service Area/Urban Growth Boundary. The Urban Service Area/Urban Growth Boundary shall be in effect for a period of twenty years after its adoption.

Policy 3: City water, and sewer, service shall not be extended to development outside of the Urban Service Area/Urban Growth Boundary, except as allowed under extraordinary circumstances pursuant to other applicable General Plan policies.

V. This initiative ensures that lands outside Healdsburg's UGB are not prematurely or unnecessarily converted to urban uses. Accordingly, the initiative ensures that until December 31, 2016, the foregoing general plan provisions and the UGB designated on Land Use Diagram 2 (a reduced copy of which is attached hereto as Exhibit A) in the City of Healdsburg General Plan adopted August 3, 1987, as amended through March 1, 1996, may be changed only by a vote of the people, except in certain circumstances and according to specific procedures set forth in the initiative.

Section 2. General Plan Amendment

The Healdsburg Urban Growth Boundary Initiative hereby reaffirms and readopts, until December 31, 2016, Land Use Goal A and Policies 1 and 3 implementing Land Use Goal A, set forth in the Land Use Element of the City of Healdsburg General Plan adopted August 3, 1987, as amended through March 1, 1996, which provisions are set forth in their entirety in Finding IV of Section 1 of the initiative. In addition, the initiative hereby reaffirms and readopts, until December 31, 2016, the Urban Service Area/Urban Growth Boundary designated on Land Use Diagram 2, set forth in the Land Use Element of the City of Healdsburg General Plan adopted August 3, 1987, as amended through March 1, 1996, which diagram is attached to the initiative as Exhibit A and is incorporated herein by reference. Further, the following text is added to the Land Use Element of the City of Healdsburg General Plan adopted August 3, 1987, as amended through March 1, 1996, immediately preceding Land Use Goal B:

9. Until December 31, 2016, the foregoing Goal A, Policies 1 and 3 related to Goal A, and Land Use Diagram 2 as referenced in Policy 1 may be amended only by a vote of the people or pursuant to the procedures set forth below:

a. The City Council may amend the Urban Service Area/Urban Growth Boundary designated on Land Use Diagram 2 if it deems it to be in the public interest, provided that the amended boundary is within or coextensive with the limits of the Urban Service Area/Urban Growth Boundary as designated on Land Use Diagram 2 as of March 1, 1996.

b. To comply with state law regarding the provision of housing for all economic segments of the community, the City Council may amend the Urban Service Area/Urban Growth Boundary designated on Land Use Diagram 2 in order to accommodate lands to be designated for residential uses, provided that no more than 10 acres of land may be brought within the Urban Service Area/Urban Growth Boundary for this purpose in any calendar year. Such amendment may be adopted only if the City Council makes each of the following findings:

(1) That the land is immediately adjacent to existing comparably developed areas and the applicant for the redesignation has provided evidence that the Fire Department, Police Department, Department of Public Works, the Community Services Department, and the School District have adequate capacity to accommodate the proposed development and provide it with adequate public services

(2) That the proposed development will consist of primarily low and very low income housing pursuant to the Housing Element of this General Plan; and

(3) That there is no existing residentially designated land available within the Urban Service Area/Urban Growth Boundary to accommodate the proposed development; and

(4) That it is not reasonably feasible to accommodate the proposed development by redesignating lands within the Urban Service Area/Urban Growth Boundary for low and very low income housing; and

(5) The proposed development is necessary to comply with state law requirements for provision of low and very low income housing.

c. The City Council may amend the Urban Service Area/Urban Growth Boundary designated on Land Use Diagram 2 if it finds that:

(1) The application of Goal A, Policies 1 and 3 relating to Goal A, and Land Use Diagram 2 as referenced in Policy 1, would constitute an unconstitutional taking of a landowner's property, and

(2) The amendment and associated land use designation will allow additional land uses only to the minimum extent necessary to avoid said unconstitutional taking of the landowner's property.

d. The General Plan may be reorganized, and individual provisions may be renumbered or reordered, in the course of ongoing updates of the General Plan in accordance with the requirements of state law, but the provisions enumerated in this policy shall continue to be included in the General Plan until December 31, 2016, unless earlier repealed or amended pursuant to the procedures set forth above or by the voters of the City.

10. For the purposes of implementing Goal A, Policy 1 and Policy 11, the following definitions shall apply:

a. References to "open space . . . as defined in state law" refer to open space used for any of the purposes set forth in Government Code section 65560 as of March 1, 1996; and

b. The term "public facilities" shall be defined as any facility developed to implement the goals and policies set forth in the Public Facilities and Services Element of the City of Healdsburg General Plan adopted August 3, 1987, as amended through March 1, 1996.

11. For the purposes of implementing Goal A, Policy 3, "extraordinary circumstances" justifying extension of City water and/or sewer service outside of the Urban Service Area/Urban Growth Boundary shall be deemed to exist only if the City Council makes each of the following findings:

a. The land use to which the water and/or sewer service would be extended is consistent with all applicable policies of the City's General Plan; and

b. The land use to which the water and/or sewer service would be extended is compatible with open space uses as defined in state law, does not interfere with accepted agricultural practices, and does not adversely affect the stability of land use patterns in the area; and

c. The property to which the water and/or sewer service would be extended is immediately adjacent to land already served by the service(s) to be extended; and

d. Specific circumstances, unique to the property to which the water and/or sewer service would be extended, would otherwise deprive the property of privileges enjoyed by other comparable property outside the Urban Service Area/Urban Growth Boundary and in the vicinity of the property to be served.

Section 3: Implementation

I. Effective Date. Upon the effective date of this initiative, the provisions of Section 2 of the initiative are hereby inserted into the Land Use Element of the City of Healdsburg General Plan as an amendment thereof, except that if the four amendments of the mandatory elements of the general plan permitted by state law for any given calendar year have already been utilized in 1996 prior to the effective date of this initiative, this general plan amendment shall be the first amendment inserted in the City's General Plan on January 1, 1997. At such time as this general plan amendment is inserted in the City of Healdsburg General Plan, any provisions of the City of Healdsburg Zoning Ordinance, as reflected in the ordinance itself or the City of Healdsburg Zoning Map, inconsistent with this general plan amendment shall not be enforced.

II. Interim Amendments. The City of Healdsburg General Plan in effect at the time the Notice of Intention to propose this initiative measure was submitted to the City of Healdsburg City Clerk ("submittal date"), and that General Plan as amended by this initiative measure, comprise an integrated, internally consistent and compatible statement of policies for the City. In order to ensure that the City of Healdsburg General Plan remains an integrated, internally consistent and compatible statement of policies for the City as required by state law, the General Plan provisions adopted by section 2 of this initiative shall prevail over any revisions to the City of Healdsburg General Plan that conflict with said General Plan amendment and were adopted between the submittal date and the date the amendments adopted by this initiative measure are inserted into the General Plan.

III. Project Approvals. Upon the effective date of this initiative, the City, and its departments, boards, commissions, officers and employees, shall not grant, or by inaction allow to be approved by operation of law, any general plan amendment, rezoning, specific plan, tentative or final subdivision map, conditional use permit, building permit or any other ministerial or discretionary entitlement, which is inconsistent with this initiative.

Section 4. Exemptions for Certain Projects.

This initiative shall not apply to any development project that has obtained as of the effective date of the initiative a vested right pursuant to state law.

Section 5. Severability.

If any portion of this initiative is declared invalid by a court, the remaining portions are to be considered valid.

Section 6. Amendment or Repeal.

This initiative may be amended or repealed only by the voters of the City of Healdsburg at a City election.

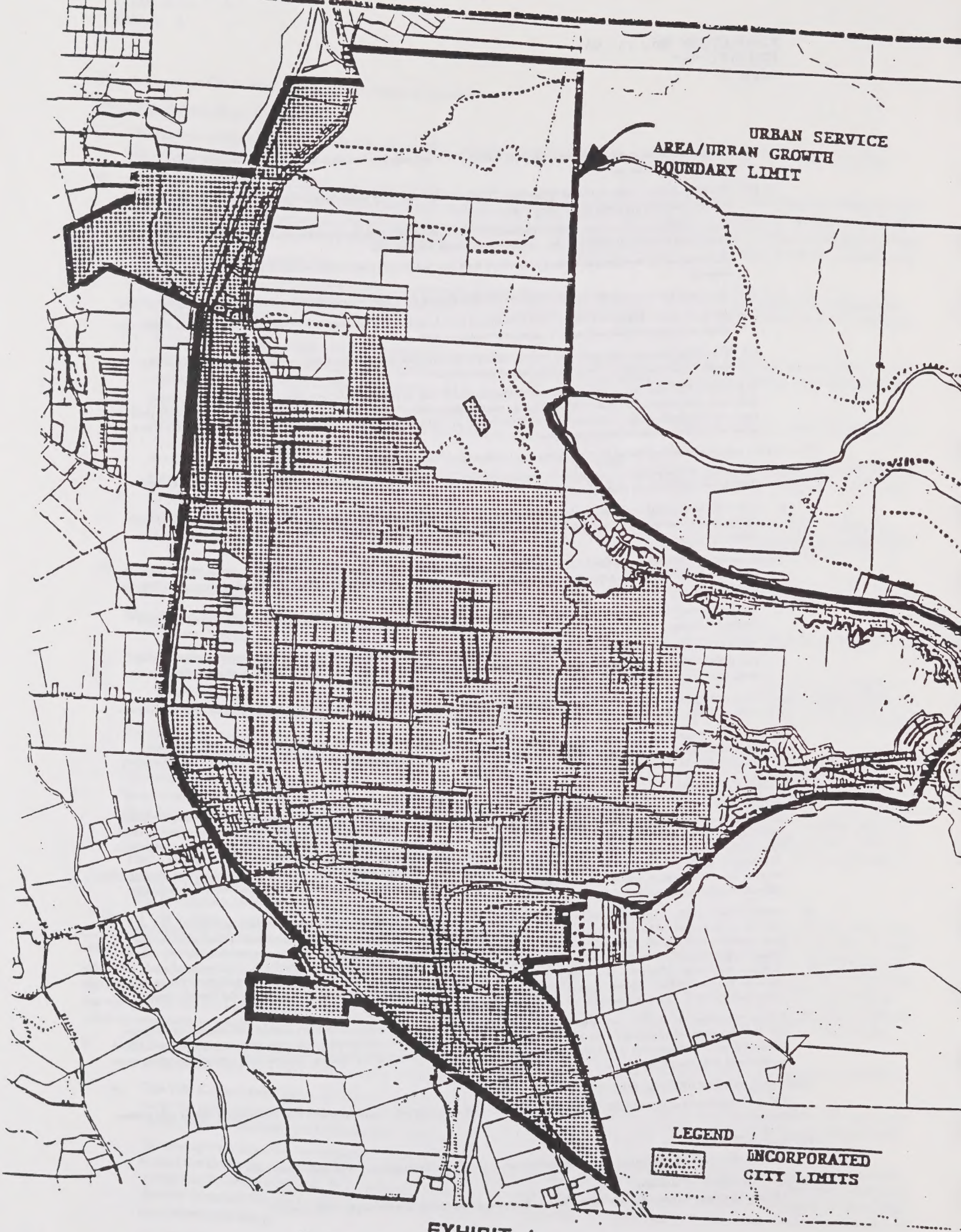


EXHIBIT A
Urban Service Area/Urban Growth Boundary

Resolution No. 73-96
Exhibit "B"

INITIATIVE MEASURE

CALENDAR

DATE	
7/1/96	City Clerk's report and certification to Council on Petition sufficiency
7/1/96	Council calls takes action on petition - (1) adopts ordinance as proposed; or (2) calls election by resolution to consider initiative measure
8/9/96	Argument period begins at 8:30 A.M.
8/19/96	Argument period ends at 5:00 P.M.
8/20/96	Rebuttal period begins at 8:30 A.M.
8/29/96	Rebuttal period ends at 5:00 P.M.

U.C. BERKELEY LIBRARIES
C124925180

RETURN TO: IGSL

LOAN PERIOD Home Use	1	2	3
	4	5	6

ALL BOOKS MAY BE RECALLED AFTER 7 DAYS.

DUE AS STAMPED BELOW.

SENT ON ILL

NOV 07 2008

U.C. BERKELEY

ILS: DD99
M 8-05

UNIVERSITY OF CALIFORNIA, BERKELEY
Berkeley, California 94720–6000